

computer-readable medium is withdrawn claim 15. Withdrawn claim 15 is statutory under MPEP §2106.01(I)¹.

Because claims 1, 5, 6, 12, and 16 do not recite descriptive material, the basis of the §101 rejection is fundamentally flawed. Applicants respectfully request withdraw of the rejection.

Claims 1, 5, 6, 12, and 16 are rejected under 35 U.S.C. §102(a) over U.S. Published Patent Application No. 2002/0174360 (Ikeda). Applicants respectfully traverse the rejection for at least the following three reasons.

First, Ikeda at least fails to disclose "executing the ID setting instructions after the updated map data or program is recorded, thereby assigning a unique ID to the navigation apparatus," as recited in claims 1 and 12. Ikeda discloses a number of IDs including a "navigation ID," a "mobile ID," a "user ID," a "PC-ID," and a "service ID." It is unclear from the Office Action which ID the Office Action considers equivalent to Applicants' claimed "unique ID." Based on the Office Action's reliance on the abstract, it appears that the Office Action is alleging that the "navigation ID" of Ikeda is equivalent to the claimed "unique ID." However, the "navigation ID" of Ikeda cannot reasonably be considered to be set as a result of ID setting instructions executed after the updated map data or program is recorded, as required by claims 1, 12, and 16.

In the context of updating map data or programs, the "navigation ID" is clearly set before the updated map data or program is recorded in the navigation system 1. Specifically, the navigation ID is set during a user registration process either during purchase of the navigation system 1 or during an online user registration process (paragraph [0098]).

¹ MPEP §2106.01 implements Annex IV of the 2005 "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility," which is relied on by the Office Action.

Importantly, the "navigation ID" is set either during purchase or just after purchase.

Therefore, the "navigation ID" is set prior to any update of map data or program in Ikeda.

FIGS. 7 and 10 of Ikeda disclose update operations. As can be seen in FIG. 7, because the "navigation ID" is set during purchase or just after purchase, the "navigation ID" is known in step S101 (paragraph [0193]). However, the update data is not transmitted to the navigation system 1 until step S206 (paragraphs [0201] and [0202]). Thus, in FIG. 7, the "navigation ID" is set well before the updated map data or program is recorded in the navigation system 1 (see also paragraphs [0071]-[0082]).

As can be seen in FIG. 10 of Ikeda, because the "navigation ID" is set during purchase or just after purchase, the "navigation ID" is known in step S11 (paragraph [0224]). However, the update data is not transmitted to the navigation system 1 until step S12 (paragraphs [0232]). Thus, in FIG. 11, the "navigation ID" is also set well before the updated map data or program is recorded in the navigation system 1.

Because, in each of the descriptions of updating data in the navigation system 1 of Ikeda the "navigation ID" is set before the updated data is received and stored in the navigation system 1, Ikeda cannot reasonably disclose "executing the ID setting instructions after the updated map data or program is recorded, thereby assigning a unique ID to the navigation apparatus," as recited in claims 1, 12, and 16.

Furthermore, the "mobile ID," the "user ID," the "PC-ID," and the "service ID" of Ikeda are not used for updating data or a program and thus cannot reasonably be considered to be equivalent to Applicants' claimed "unique ID."

Second, Ikeda at least fails to disclose an "updated map data or a program that is only made usable by a release key from an information center," "the unique ID necessary to obtain the release key from the information center," and "receiving the release key from the communication center," as recited in claims 1, 12, and 16. As best understood, it is alleged in

the Office Action that such "release key" is disclosed in paragraph [0203] of Ikeda. However, paragraph [0203] of Ikeda only discloses displaying a message indicating to a user of the navigation system 1 that a new version of the navigation software has been released. This message does not in any way make an updated file that is already recorded in the navigation system 1 of Ikeda usable. Rather, it is simply a notification that an update is available. Thus, Ikeda at least fails to disclose an "updated map data or a program that is only made usable by a release key from an information center," "the unique ID necessary to obtain the release key from the information center," and "receiving the release key from the communication center," as recited in claims 1, 12, and 16.

Third, Ikeda at least fails to disclose, "the unique ID created based on data representing the date and time, and data representing the present position of the navigation apparatus," as recited in claim 12.

As discussed above, the "navigation ID" of Ikeda is used for updating data. In the disclosed embodiments of Ikeda, the "navigation ID" is only disclosed as being a telephone number (paragraph [0135] and FIGS. 5 and 13). Importantly, Ikeda fails to disclose that the "navigation ID" can be based on "data representing the date and time, and data representing the present position of the navigation apparatus," as required by claim 12.

For at least the above three reasons, claims 1, 12, and 16 are patentable over Ikeda. Further, claims 5 and 6 are patentable for at least the same reasons, as well as for the additional features they recite. Applicants respectfully request withdrawal of the rejection.

Finally, because linking claim 16 and generic claim 1 are allowable for the reasons discussed above, Applicants respectfully request rejoinder and prompt allowance of withdrawn claims 2-4, 7-11, and 15, as required by MPEP §821.04.

In view of at least the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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